



**Economic and Social
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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and protection
of Minorities
Forty-second session
Agenda item 21

DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION
AND PROTECTION OF MINORITIES ON ITS FORTY-SECOND SESSION

Geneva, 3-31 August 1990

Rapporteur: Mr. Gilberto Verne Saboia

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*/ Part I of this draft chapter reflects the general debate on matters before the Sub-Commission. Part II will reflect the actions taken by the Sub-Commission on the proposals.

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XI. THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

- A. Question of human rights of persons subjected to any form of detention and imprisonment
- B. Question of human rights and states of emergency
- C. Individualization of prosecution and penalties and repercussions of violations of human rights on families
- D. The right to a fair trial

1. The Sub-Commission considered item 10 together with item 11 at its 21st, 24th to 27th ... meetings held on 22 to 24, 27 ... August 1990.
2. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Report of the Secretary-General containing information submitted by Governments pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974 (E/CN.4/Sub.2/1990/20 and Add.1);

Report of the Secretary-General containing information submitted by specialized agencies and intergovernmental organizations pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974 (E/CN.4/Sub.2/1990/21);

Synopsis of material received from non-governmental organizations in consultative status with the Economic and Social Council prepared by the Secretariat (E/CN.4/Sub.2/1990/22);

Report of the Secretary-General giving succinct information on developments in the human rights programme and on the activities within the United Nations programme on crime prevention and control as they relate to the question of human rights of persons subjected to any form of detention or imprisonment (E/CN.4/Sub.2/1990/23);

Report of the Secretary-General on the application of international standards concerning the human rights of detained juveniles prepared pursuant to Sub-Commission resolution 1989/31 (E/CN.4/Sub.2/1990/25 and Add.1 and 2);

Report of the Secretary-General on the application of the death penalty to persons under 18 years of age prepared pursuant to Sub-Commission resolution 1989/32 (E/CN.4/Sub.2/1990/26 and Add.1 and 2);

Report of the Secretary-General based on comments submitted by Governments and specialized agencies pursuant to General Assembly resolution 44/162 of 15 December 1989, entitled "Human rights in the administration of justice" (E/CN.4/Sub.2/1990/27);

Report by Ms. Bautista on the application of international standards concerning the human rights of detained juveniles (E/CN.4/Sub.2/1990/28);

Report on the practice of administrative detention, submitted by Mr. Louis Joinet (E/CN.4/Sub.2/1990/29);

Report by Ms. Bautista, Special Rapporteur on the human rights of staff members of the United Nations system (E/CN.4/Sub.2/1990/30);

Report of the sessional Working Group on Detention (E/CN.4/Sub.2/1990/32);

Working paper presented by Mr. Leandro Despouy, Special Rapporteur appointed pursuant to Economic and Social Council resolution 1985/37 (E/CN.4/Sub.2/1990/33 and Add.1 and 2);

Brief report prepared by Mr. Stanislav Chernichenko and Mr. William Treat in accordance with resolution 1989/27 of the Sub-Commission (E/CN.4/Sub.2/1990/34);

Letter dated 21 August 1990 from the Permanent Representative of Cambodia to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission (E/CN.4/Sub.2/1990/54);

Written statement submitted by the American Association of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/1);

Written statement submitted by the International Institute of Higher Studies in Criminal Sciences, a non-governmental organization in consultative status (Roster) (E/CN.4/Sub.2/1990/NGO/4);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/18);

Detention of international civil servants and their families: note by the Secretary-General (E/CN.4/1990/14);

Report of the Secretary-General giving succinct information on the work of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, developments elsewhere in the human rights programme and the activities within the United Nations programme on

crime prevention and control as they relate to the question of human rights of persons subjected to any form of detention or imprisonment (E/CN.4/Sub.2/1989/23);

Report on the practice of administrative detention, submitted by Mr. Louis Joinet (E/CN.4/Sub.2/1989/27);

Protection of the human rights of United Nations staff members, experts and their families: preliminary report by Mrs. Maris Concepción Bautista (E/CN.4/Sub.2/1989/28);

Report of the Working Group on Detention (E/CN.4/Sub.2/1989/29/Rev.1);

Third annual report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, presented by Mr. Leandro Despouy, Special Rapporteur, appointed pursuant to Economic and Social Council resolution 1985/37 (E/CN.4/Sub.2/1989/30/Rev.1).

3. The item was introduced at the 21st meeting, held on 22 August 1990, by the Under-Secretary-General for Human Rights.
4. At the 24th meeting, on 23 August 1990, Ms. Bautista introduced her reports (E/CN.4/Sub.2/1990/28 and E/CN.4/Sub.2/1990/30).
5. At the same meeting, Mr. Chernichenko and Mr. Treat introduced their brief report (E/CN.4/Sub.2/1990/34).
6. At the same meeting, Mr. Despouy introduced his working paper (E/CN.4/Sub.2/1990/33 and Add.1 and 2).
7. At the same meeting, Mr. Joinet introduced his report (E/CN.4/Sub.2/1990/29).
8. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martinez (27th), Ms. Bautista (27th), Mr. Despouy (27th), Mr. Eide (27th), Mr. Flinterman (27th), Mr. Hatano (27th), Mr. Ilkahanaf (27th), Ms. Ksentini (26th), Mr. Maxim (27th), Mr. Sachar (27th), Mr. Sadi (27th) and Mr. Suescón Monroy (25th).
9. Statements were also made by the following non-governmental organizations: American Association of Jurists (27th), Amnesty International (26th), Human Rights Advocates (25th), Indigenous World Association (26th), International Association against Torture (26th), International Association of Penal Law (26th), International Centre of Sociological, Penal and Penitentiary Research and Studies (25th), International Commission of Health professionals for Health and Human Rights (26th), International Commission of Jurists (26th), International Council of Jewish Women (25th), International Educational Development Inc. (26th), International Federation of Human Rights (25th),

International Federation Terre des Hommes (26th), International Human Rights Law Group (26th), International Institute of Higher Studies in Criminal Sciences (26th), International League for Human Rights (26th), International League for the Rights and Liberation of Peoples (26th), International Movement for Fraternal Union Among Races and Peoples (26th), Latin American Federation of Associations of Relatives of Disappeared Detainees (26th), Liberation (26th), Movement Against Racism and for Friendship among Peoples (26th), Pax Romana (26th), Service, Justice and Peace in Latin America (25th), World Federation of Trade Unions (25th), World Union for Progressive Judaism (26th).

10. Statements equivalent to a right of reply were made by the Observers for Chile (27th), India (27th), Indonesia (27th), Japan (27th), Kenya (27th) and Morocco (27th).

11. At the 27th meeting, on 27 August 1990, Ms. Bautista, Mr. Despouy, Mr. Joinet and Mr. Treat presented their concluding remarks.

12. At its 26th meeting, on 24 August 1990, the Sub-Commission, meeting in closed session, decided without a vote to make a strong appeal, on the grounds of human rights and humanitarian law, to the Government of Iraq to facilitate the immediate departure from Kuwait and Iraq of the nationals of third countries. Statements in connection with the adoption of the decision were made by Mr. Eide (30th), Ms. Pallev (30th) and Mr. Treat (30th). The Sub-Commission further decided to make this decision public.

13. For the text of the decision, as adopted, see chapter II, section B, decision 1990/108.



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Forty-second session
Agenda item 21

DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS
FORTY-SECOND SESSION

Geneva, 3-31 August 1990

Rapporteur: Mr. Gilberto Vergne Saboia

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*/ Part I of this draft chapter reflects the general debate on matters before the Sub-Commission. Part II will reflect the actions taken by the Sub-Commission on the proposals.

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PART I

XII. INDEPENDENCE AND IMPARTIALITY OF THE JUDICIARY, JURORS
AND ASSESSORS AND THE INDEPENDENCE OF LAWYERS

1. The Sub-Commission considered item 11 together with item 10 at its 21st, 24th to 27th ... meetings held on 22 to 24, 27, ... August 1990.
2. The Sub-Commission had before it the following documents in connection with its consideration of the item:
 - Working paper prepared by Mr. Louis Joinet on means in the area of monitoring by which the Sub-Commission could assist in ensuring respect for the independence of the judiciary and the protection of practising lawyers in accordance with resolution 1989/32 of the Commission on Human Rights (E/CN.4/Sub.2/1990/35);
 - Report by the Special Rapporteur, Mr. L.M. Singhvi, pursuant to Sub-Commission resolution 1987/23 of 3 September 1987 (E/CN.4/Sub.2/1988/20/Add.1 and Add.1/Corr.1).
3. The item was introduced at the 21st meeting, held on 22 August 1990, by the Under-Secretary-General for Human Rights.
4. At the 24th meeting, on 23 August 1990, Mr. Joinet introduced his working paper.
5. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (27th), Mr. Eide (27th), Mr. Flinterman (27th), Mr. Guissé (27th), Mr. Ilkahanaf (27th), Mr. Maxim (27th), Mr. Sadi (27th).
6. The Sub-Commission heard a statement by the Observer for Colombia (26th).
7. Statements were also made by the following non-governmental organizations: American Association of Jurists (27th), Amnesty International (27th), Indigenous World Association (26th), International Association against Torture (26th), International Centre of Sociological, Penal and Penitentiary Research and Studies (25th), International Commission of Jurists (25th), International Federation of Human Rights (25th), International Human Rights Law Group (26th), International League for Human Rights (26th), Latin American Federation of Associations of Relatives of Disappeared Detainees (26th), Liberation (26th), Service, Justice and Peace in Latin America (25th).
8. Statements equivalent to a right of reply were made by the Observers for Ghana (27th), India (27th), Indonesia (27th), Japan (27th) and Kenya (27th).
9. At the 27th meeting, on 27 August 1990, Mr. Joinet presented his concluding remarks.



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**DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS
FORTY-SECOND SESSION**

Geneva, 3-31 August 1990

Rapporteur: Mr. Gilberto Vergne Saboia

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XI. INDEPENDENCE AND IMPARTIALITY OF THE JUDICIARY, JURORS
AND ASSESSORS AND THE INDEPENDENCE OF LAWYERS

1. At the 34th meeting, on 30 August 1990, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1990/L.25 sponsored by Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Mr. Despouv, Mr. Guissé, Mr. Ilkahanaf, Mr. Khalil, Mr. Maxim, Mr. Sachar, Mr. Suescún Monroy and Mr. Treat.
2. Mr. van Boven revised the draft resolution by inserting a new operative paragraph 6 as follows:

"6. Requests the Secretary-General to transmit this resolution to Governments, inter-governmental and non-governmental organizations, including professional associations of judges and lawyers, requesting specific information on measures taken to strengthen the independence of the judiciary and lawyers or on practices which have undermined their independence;"

The draft resolution, as revised, was adopted without a vote.
3. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/23.



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DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS
FORTY-SECOND SESSION

Geneva, 3-31 August 1990

Rapporteur: Mr. Gilberto Vergne Saboia

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PART I

VIII. THE NEW INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION
OF HUMAN RIGHTS

1. The Sub-Commission considered item 7 together with item 8 at its 30th, 31st, ... meetings held on 28, 29, ... August 1990.
 2. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/11);

Written statement submitted by the International Commission for Health Professionals for Health and Human Rights, a non-governmental organization in consultative status (category II)⁸ (E/CN.4/Sub.2/1990/NGO/30).
 3. The item was introduced at the 30th meeting, on 28 August 1990, by the Under-Secretary-General for Human Rights.
 4. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (31st), Ms. Bautista (30th), Mr. Guissé (30th), Mr. Khalil (30th), Ms. Mbonu (30th), Mr. Sachar (30th), Mr. Suescún Monroy (31st) and Mr. Zhan Daode (30th).
 5. The Sub-Commission heard a statement by the Observer for Peru (30th).
 6. The Sub-Commission also heard statements by the following non-governmental organizations: American Association of Jurists (30th), Disabled Peoples International (30th), Four Directions Council (30th), International Commission of Health Professionals for Health and Human Rights (30th), International League for the Rights and Liberation of Peoples (30th), Latin American Federation of Associations of Relatives of Disappeared Detainees (30th).
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DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS
FORTY SECOND SESSION

Geneva, 3-31 August 1990

Rapporteur: Mr. Gilberto Vergne Saboia

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1. At the 34th meeting, on 30 August 1990, Mr. Despouy introduced draft decision E/CN.4/Sub.2/1990/L.31, sponsored by Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Ms. Mbonu and Ms. Palley. Mr. Alfonso Martínez and Mr. Sachar subsequently joined as sponsors.
2. At the same meeting, statements on the draft decision were made by Mr. Alfonso Martínez, Mr. Despouy, Ms. Mbonu and Mr. Suescún Monroy.
3. Mr. Alfonso Martínez proposed amending the draft decision by deleting the words ", intended to explore ... actual situation".
4. The draft decision, as amended, was adopted without a vote.
5. For the text of the decision, as adopted, see chapter II, section B, decision 1990/119.



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DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF
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Rapporteur: Mr. Gilberto Vergne Saboia

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PART I

IX. THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

1. The Sub-Commission considered item 8 together with item 7 at its 30th, 31st, ... meetings held on 28, 29, .. August 1990.
2. The Sub-Commission had before it the following documents in connection with its consideration of the item:
 - Progress report by the Special Rapporteur (E/CN.4/Sub.2/1990/19);
 - Written statement submitted by FIAN (Food First Information and Action Network), a non-governmental organization in consultative status (Roster) (E/CN.4/Sub.2/1990/NGO/8);
 - Written statement submitted by the American Association of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/16);
 - Report of the Secretary-General on popular participation in its various forms as an important factor in development and in the full realization of all human rights (E/CN.4/1990/8);
 - Preliminary report by the Special Rapporteur (E/CN.4/Sub.2/1989/19).
3. The item was introduced at the 30th meeting, on 28 August 1990, by the Under-Secretary-General for Human Rights.
4. At the 30th meeting the Special Rapporteur introduced his progress report.
5. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (31st), Ms. Bautista (30th), Ms. Daes (31st), Mr. Eide (30th), Mr. Flinterman (30th), Mr. Guissé (30th), Mr. Joinet (30th), Mr. Khalil (30th), Ms. Ksentini (30th), Ms. Mbonu (30th), Mr. Sachar (30th), Mr. Suescún Monroy (31st) and Mr. Treat (30th).
6. The Sub-Commission heard statements by the Observers for Brazil (30th) and Peru (30th).
7. The Sub-Commission also heard statements by the following non-governmental organizations: American Association of Jurists (30th), Disabled Peoples International (30th), Four Directions Council (30th), Habitat Coalition International (30th), International Commission of Health Professionals for Health and Human Rights (30th), International Federation of Human Rights (30th), International League for the Rights and Liberation of Peoples (30th), International Movement A.T.D. Fourth World (30th), Latin American Federation of Associations of Relatives of Disappeared Detainees (30th), Liberation (30th), Survival International (30th), World Conference on Religion and Peace (30th), World Federation of Trade Unions (30th).

8. At its 26th meeting, on 24 August 1990, the Sub-Commission, meeting in closed session decided, without a vote, to make a strong appeal, on the grounds of human rights and humanitarian law, to all those participating in sanctions against Iraq not to prevent the delivery of necessary food and medicine. Statements in connection with the adoption of the decision were made by Mr. Eide (30th), Ms. Palley (30th) and Mr. Treat (30th). The Sub-Commission further decided to make this decision public.

9. For the text of the decision, as adopted, see chapter II, section B, decision 1990/108.





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IX. THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

1. At the 34th meeting, on 30 August 1990, the Sub-Commission took up consideration of draft resolution E/CN.4/Sub.2/1990/L.37, sponsored by Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouv, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Ms. Mbonu, Mr. Merills, Mr. Sachar, Mr. Sadi, Mr. Suescún Monroy, Mr. Tian Jin, Mr. Treat, Ms. Warzazi and Mr. Yimer. Mr. Alfonso Martínez subsequently joined as a sponsor.
2. At the same meeting, a statement on the draft decision was made by Mr. Alfonso Martínez.
3. The draft resolution was adopted without a vote.
4. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/16.
5. At the 34th meeting, on 30 August 1990, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1990/L.52 sponsored by Mr. van Boven. Ms. Daes, Ms. Ksentini and Ms. Palley subsequently joined as sponsors.
6. Ms. Daes proposed certain amendments to the draft resolution in E/CN.4/Sub.2/1990/L.60. Ms. Daes revised the proposed amendments by substituting "including" for "and" in paragraph 1 and for the first reference thereto in paragraph 3; substituting "5" for "7" and "original" for "indigenous" in paragraph 2; and deleting paragraph 4.
7. Ms. Ksentini proposed amending E/CN.4/Sub.2/1990/L.60 by inserting "and the political, cultural, religious and other characteristics" after "demographic structure" in paragraph 2; and by inserting "and settlements" after every reference to "settlers".
8. Ms. Palley proposed amending draft resolution E/CN.4/Sub.2/1990/L.52 so that paragraph 7 should read: "Concerned that the movement of people is often achieved either without free and informed consent of those people being moved or without the consent of those people into whose territory they are being moved,".
9. The draft resolution, as amended, was adopted without a vote.
10. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/17.



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X. COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE
WORKING GROUP ON COMMUNICATIONS ESTABLISHED UNDER
SUB-COMMISSION RESOLUTION 2 (XXIV) IN ACCORDANCE WITH
ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)

1. The Sub-Commission considered item 9 of its agenda at its 27th to 30th closed meetings, held on 27 and 28 August 1990.
2. By resolution 1503 (XLVIII) of 27 May 1970, the Economic and Social Council authorized the Sub-Commission to appoint a working group (Working Group on Communications) of not more than five of its members to meet annually for 10 working days, immediately before each session of the Sub-Commission, to consider all communications received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959, including replies of Governments thereon, with a view to bringing to the attention of the Sub-Commission those communications which appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.
3. The procedure to be followed by the Working Group on Communications in deciding on the admissibility of communications was established by Sub-Commission resolution 1 (XXIV) of 13 August 1971, and the Working Group itself was set up in accordance with Sub-Commission resolution 2 (XXIV) of 16 August 1971.
4. At the outset of the consideration of the item, the Sub-Commission decided, by a roll-call vote of 18 votes to 3, with 4 abstentions, to suspend rule 59, so as to allow for voting by secret ballot, for the purpose of protecting the experts' independence when voting on proposals under Council resolution 1503 (XLVIII) at the forty-second session.
5. For the text of the decision, see chapter II, section B, decision 1990/110.
6. The Sub-Commission had before it a confidential report on the work of the eighteenth session of the Working Group on Communications, held from 23 July to 3 August 1990 (E/CN.4/Sub.2/1990/R.1 and addenda), certain communications which had been kept pending before the Sub-Commission since its forty-first session in 1989, as well as all Government replies relevant to the material before it. The Sub Commission noted with satisfaction the demonstrated willingness of Governments to reply to communications forwarded to them under Economic and Social Council resolution 728 F (XXVIII). It welcomed this

positive development in international co-operation which is essential for the work of the bodies entrusted with the implementation of the procedure governed by Economic and Social Council resolution 1503 (XLVIII).

7. The Chairman/Rapporteur of the Working Group on Communications, Mr. Theo C. van Boven, introduced the Working Group's report and drew attention, as appropriate, to the material which was pending before the Sub-Commission since its forty-first session.

8. Following the ensuing discussion, the Sub-Commission decided, pursuant to paragraph 5 of Economic and Social Council resolution 1503 (XLVIII), to refer to the Commission on Human Rights for consideration certain particular situations which appear to reveal a consistent pattern of gross and reliably attested violations of human rights. The Sub-Commission decided to defer action on certain communications to its forty-third session in 1991 and to take no action with regard to certain other communications which it had before it.

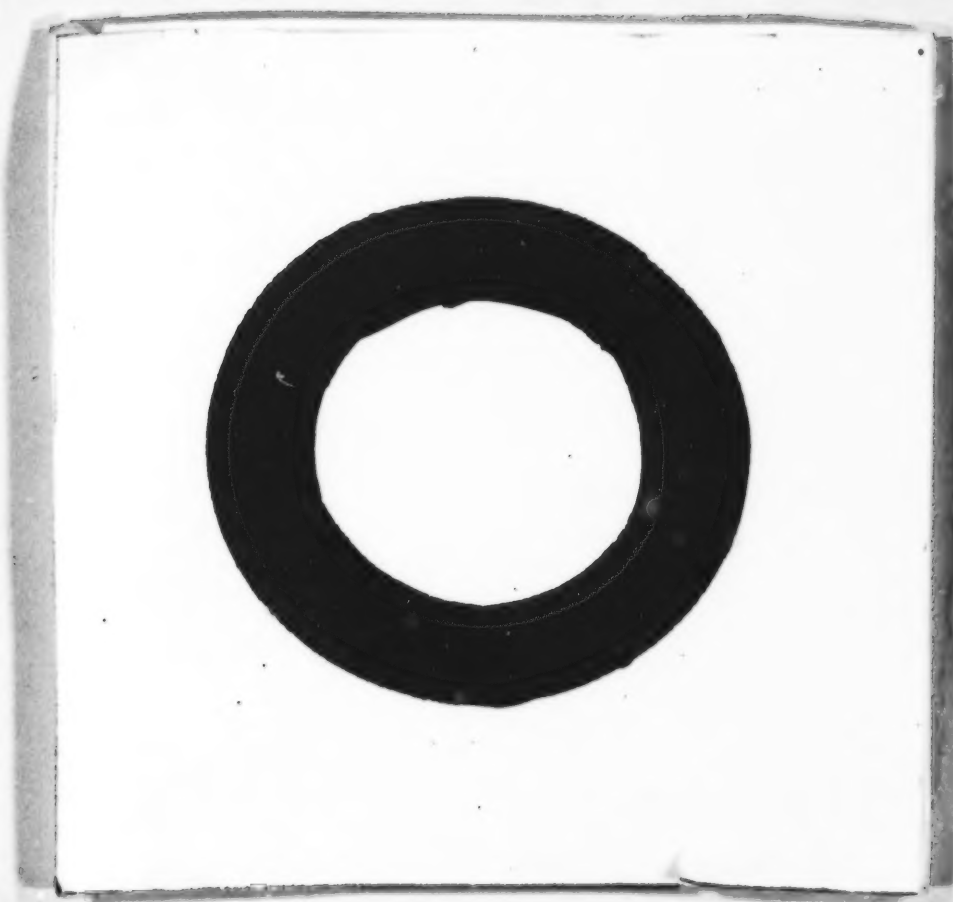
9. At its 30th meeting (closed part) on 28 August 1990, the Sub-Commission decided, without a vote, to modify its decision 1989/102 of 25 August 1989, which afforded a minimum of five months to Governments for submitting replies to communications concerning alleged violations of human rights transmitted to them under Economic and Social Council resolution 728 F (XXVIII). As modified by the Sub-Commission's decision, Governments will have a minimum of 12 weeks to respond to allegations made against them in communications transmitted to them under Council resolution 728 F (XXVIII).

10. For the text of the decision, see chapter II, section B, decision 1990/111.

11. At its ... meeting (closed part) on .. August 1990, the Sub-Commission adopted a confidential report, pursuant to paragraph 8 of Council resolution 1503 (XLVIII), by which it communicates to the Commission on Human Rights its decisions taken under paragraph 5 of that resolution.

12. At its ... meeting, on .. August 1990, the Sub-Commission decided on the composition of its Working Group on Communications to meet prior to its forty-third session.

13. For the composition of the Working Group, see chapter II, section B, decision 1990/....





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Sub-Commission on Prevention of
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of Minorities
Forty-second session
Agenda item 21

DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS
FORTY-SECOND SESSION

Geneva, 3-31 August 1990

Rapporteur: Mr. Gilberto Vergne Saboia

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WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

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V. REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH
THE SUB-COMMISSION HAS BEEN CONCERNED

1. The Sub-Commission considered agenda item 4 at its 30th to 32nd, ... meetings, held on 28, 29, ... August 1990.
2. The Sub-Commission had before it the following documents in connection with its consideration of the item:
 - Note by the Secretary-General containing a review of further developments in fields with which the Sub-Commission has been concerned (E/CN.4/Sub.2/1990/4);
 - Memorandum submitted by the International Labour Office (E/CN.4/Sub.2/1990/5);
 - Report submitted by UNESCO (E/CN.4/Sub.2/1990/6);
 - Preliminary report prepared by Mr. Varela Quiros, Special Rapporteur on discrimination against HIV-infected people or people with AIDS (E/CN.4/Sub.2/1990/9);
 - Preliminary report submitted by Mr. van Boven, Special Rapporteur on compensation for victims of gross violations of human rights (E/CN.4/Sub.2/1990/10);
 - Preliminary report prepared by Mr. Türk and Mr. Joinet, Special Rapporteurs on the right to freedom of opinion and expression (E/CN.4/Sub.2/1990/11);
 - Report submitted by Mr. Sadi on the protection of journalists (E/CN.4/Sub.2/1990/17);
 - Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/3);
 - Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/23).
3. The item was introduced at the 30th meeting, on 28 August 1990, by the Under-Secretary-General for Human Rights.
4. At the 30th meeting, on 28 August 1990, Mr. van Boven introduced his preliminary report.
5. At the same meeting, Mr. Joinet introduced the preliminary report submitted by Mr. Joinet and Mr. Türk.
6. At the same meeting, Mr. Varela Quiros introduced his preliminary report.

7. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (32nd), Ms. Bautista (31st), Mr. Chernichenko (31st), Ms. Daes (31st), Mr. Despouy (31st), Mr. Eide (31st), Mr. Hatano (31st), Mr. Joinet (31st), Ms. Ksentini (31st), Ms. Palley (31st), Mr. Sachar (31st), Mr. Suescún Monroy (31st) and Ms. Warzazi (30th and 31st).
8. The Sub-Commission also heard statements by the following non-governmental organizations: American Association of Jurists (32nd), International Centre for Sociological, Penal and Penitentiary Research and Studies (32nd), International Commission of Jurists (31st), International Commission of Health Professionals for Health and Human Rights (32nd), International Council of Jewish Women (31st), Liberation (32nd), International League for the Rights and Liberation of Peoples (32nd), International Movement for Fraternal Union among Races and Peoples (32nd), International Organization for the Elimination of All Forms of Racial Discrimination (32nd), Romani Union (32nd), World Union for Progressive Judaism (31st).
9. At the 32nd meeting, on 29 August 1990, the Special Rapporteur, Mr. van Boven, presented his concluding remarks.
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DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SECOND SESSION

Geneva, 3-31 August 1990

Rapporteur: Mr. Gilberto Vergne Saboia

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PART II

V. REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

1. At the 33rd meeting, on 30 August 1990, Ms. Daes introduced draft resolution E/CN.4/1990/L.26, sponsored by Mr. Chernichenko, Ms. Daes, Mr. Eide, Mr. Hatano, Mr. Ilkahanaf, Mr. Khalil, Mr. Maxim, Mr. Treat and Ms. Warzazi. Mr. Alfonso Martínez, Ms. Bautista, Mr. Joinet, Ms. Ksentini and Mr. Sachar subsequently joined the sponsors.
2. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/Sub.2/1990/L.55) of the draft resolution E/CN.4/Sub.2/1990/L.26.
3. Mr. Alfonso Martínez proposed amending operative paragraph 2 by inserting the words "and whatever relevant decisions which might be adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders" after the words "24 May 1990".
4. Ms. Ksentini proposed an amendment to operative paragraph 2 by inserting the words ", including the provisional plan for the study," after the words "on the preliminary report".
5. A statement relating to the draft resolution and the amendments thereto was made by Ms. Daes (33rd).
6. The draft resolution, as amended, was adopted without a vote.
7. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/6.
8. At the 33rd meeting, on 30 August 1990, Mr. Despouy introduced draft resolution E/CN.4/Sub.2/1990/L.33, sponsored by Mr. Alfonso Martínez, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalil, Mr. Maxim, Ms. Mbonu, Mr. Sachar, Mr. Sadi, Mr. Treat, Ms. Warzazi and Mr. Yimer. Ms. Daes and Mr. Saboia subsequently joined the sponsors.
9. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/Sub.2/1990/L.58) of draft resolution E/CN.4/Sub.2/1990/L.33.
10. Ms. Daes proposed an amendment to operative paragraph 4 of the part of the draft resolution for adoption by the Commission on Human Rights by inserting the words "as Special Rapporteur" after "Mrs. Fatma Zohra Ksentini".

11. The draft resolution, as amended, was adopted without a vote.
12. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/7.
13. At the 33rd meeting, 30 August 1990, Mr. Eide introduced draft resolution E/CN.4/Sub.2/1990/L.45, sponsored by Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Ilkahanaf, Mr. Khalil, Mr. Maxim and Mr. Treat.
14. At the same meeting, statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. van Boven, Mr. Guissé and Mr. Joinet.
15. Mr. van Boven proposed postponing further discussion on draft resolution E/CN.4/Sub.2/1990/L.45 until the forty-third session of the Sub-Commission.
16. The Sub-Commission decided subsequently to postpone further consideration of E/CN.4/Sub.2/1990/L.45 until its forty-third session.
17. For the text of the decision, as adopted, see chapter II, section B, decision 1990/116.
18. At the 33rd meeting, on 30 August 1990, Mr. Despouy introduced draft decision E/CN.4/Sub.2/1990/L.48. Mr. Alfonso Martínez, Ms. Bautista and Ms. Ksentini subsequently joined as sponsors.
19. At the same meeting, statements relating to the draft decision were made by Mr. Alfonso Martínez, Ms. Bautista, Mr. Joinet, Mr. Guissé and Ms. Ksentini.
20. At the same meeting, Mr. Alfonso Martínez proposed to amend the draft decision by inserting the words "on a priority basis" after the word "decides".
21. Ms. Ksentini proposed the amendment of substituting the words "revised report" for the words "this report" in the fifth line of the draft decision.
22. At the 34th meeting, on 30 August 1990, Mr. Despouy revised the draft decision by substituting the following words "to give priority consideration to the updated report" for the words "to continue consideration of this report" and by inserting the words "; and request the Secretary-General to extend to the authors the assistance necessary to fulfil their mandate" after the word "concerned".
23. The draft decision, as revised and amended, was adopted without a vote.
24. For the text of the decision, as adopted, see chapter II, section B, decision 1990/117.
25. At the same meeting, Mr. Laqhmari introduced draft decision E/CN.4/Sub.2/1990/L.54, sponsored by Mr. Alfonso Martínez, Ms. Bautista, Mr. van Boven, Ms. Daes, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller,

- Mr. Ilkahanaf, Mr. Joinet, Ms. Ksentini, Mr. Maxim, Ms. Mbonu, Ms. Palley, Mr. Sachar, Mr. Sadi, Mr. Suescún Monroy, Mr. Treat, Ms. Warzazi and Mr. Yimer. Mr. Despouy subsequently joined the sponsors.
26. The draft decision was adopted without a vote.
27. For the text of the decision, as adopted, see chapter II, section B, decision 1990/113.
28. At the 34th meeting, on 30 August 1990, the Sub-Commission considered draft decision E/CN.4/Sub.2/1990/L.62, sponsored by Ms. Daes, Mr. Despouy, Mr. Hatano, Mr. Ilkahanaf, Mr. Khalil, Ms. Ksentini, Mr. Suescún Monroy, Mr. Treat, Ms. Warzazi and Mr. Yimer. Mr. Alfonso Martínez, Ms. Palley and Mr. Ramishvili subsequently joined as sponsors.
29. At the same meeting, Mr. Treat proposed revising line 7 of the draft decision by inserting the word "updated" before the word "report". Ms. Daes proposed substituting the word "progress" for the word "updated".
30. Mr. Alfonso Martínez proposed amending the draft decision by inserting the words ". Further requests the Special Rapporteur to take into account in his future work the opinions expressed during the debate on his preliminary report at the forty-second session of the Sub-Commission" after the words "his work" in the sixth line of the draft decision.
31. Ms. Daes proposed substituting the word "views" for the word "opinions".
32. The draft decision, as revised and further amended, was adopted without a vote.
33. For the text of the decision, as adopted, see chapter II, section B, decision 1990/118.
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Agenda item 21

**DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS
FORTY-SECOND SESSION**

Geneva, 3-31 August 1990

Rapporteur: Mr. Gilberto Vergne Saboiá

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Geneva, 3-31 August 1990

Rapporteur: Mr. Gilberto Verane Saboia

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(a) PREVENTION OF DISCRIMINATION AND PROTECTION
OF CHILDREN: HUMAN RIGHTS AND YOUTH;

(b) PREVENTION OF DISCRIMINATION AND PROTECTION
OF WOMEN

1 - 7

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XVIII. PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT
NATIONAL, REGIONAL AND INTERNATIONAL LEVELS:

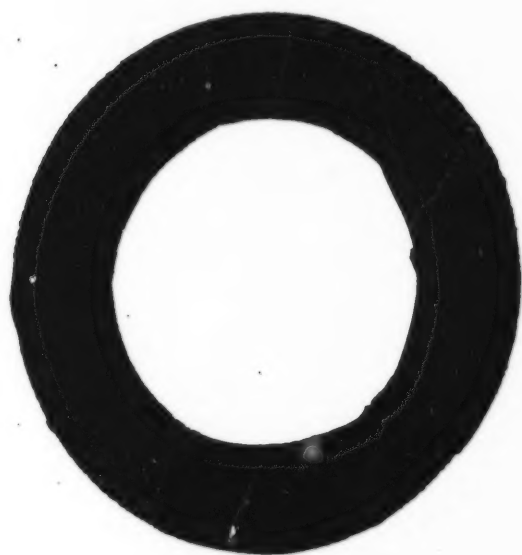
(a) PREVENTION OF DISCRIMINATION AND PROTECTION OF CHILDREN:
HUMAN RIGHTS AND YOUTH;

(b) PREVENTION OF DISCRIMINATION AND PROTECTION OF WOMEN

1. The Sub-Commission considered item 17 at its 32nd, ... meetings held on 29, ... August 1990.
2. The Sub-Commission had before it the following documents in connection with its consideration of the item:
 - Report of the Special Rapporteur on human rights and youth pursuant to resolution 1989/45 (E/CN.4/Sub.2/1990/45 and Corr.1);
 - Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/7);
 - Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/15);
 - Report on human rights and youth submitted by Mr. Mazilu, Special Rapporteur (E/CN.4/Sub.2/1989/41 and Add.1).
3. The item was introduced at the 32nd meeting, on 29 August 1990 by the Under-Secretary-General for Human Rights.
4. At the same meeting, the Special Rapporteur, Mr. Mazilu, introduced his report.
5. In the general debate on the item, statements were made by the following members of the Sub-Commission: Ms. Bautista (32nd), Ms. Daes (32nd), Mr. Despouy (32nd), Mr. Eide (32nd), Mr. Guissé (32nd), Mr. Ilkahanaf (32nd), Mr. Joinet (32nd), Mr. Maxim (32nd), Mr. Treat (32nd).
6. The Sub-Commission also heard statements by the following non-governmental organizations: International Commission of Jurists (32nd), International Council on Jewish Women (32nd), presenting a joint statement on behalf of the All-India Women's Conference, Andean Commission of Jurists, Anti-Slavery Society, Baha'i International Community, International Federation of Human Rights, International Abolitionist Federation, International Alliance of Women - Equal Rights, Equal Responsibilities, International Association of Penal Law, International Centre of Sociological, Penal and Penitentiary Research and Studies, International Commission of Jurists, International Council of Jewish Women, International Council on Social Welfare,

International Council of Women, International Federation of University Women, International Federation of Women Lawyers, International Institute of Higher Studies in Criminal Sciences, International Movement for Fraternal Union among Races and Peoples, Pan-Pacific South-East Asia Women's Association, Soroptimist International, Women's International Zionist Organization, World Federation of Methodist Women and Zonta International, International League for the Rights and Liberation of Peoples (32nd), Latin American Federation of Associations of Relatives of Disappeared Detainees (32nd), National Indian Treaty Council (32nd), World Council of Churches (32nd), Women's International League for Peace and Freedom (32nd).

7. At the 32nd meeting, the Special Rapporteur presented his concluding remarks.





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DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS
FORTY-SECOND SESSION

Geneva, 3-31 August 1990

Rapporteur: Mr. Gilberto Verane Saboia

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XVIII. PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS
AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS:

- (a) PREVENTION OF DISCRIMINATION AND PROTECTION OF
CHILDREN: HUMAN RIGHTS AND YOUTH;
- (b) PREVENTION OF DISCRIMINATION AND PROTECTION
OF WOMEN.

1. At the 35th meeting, on 31 August 1990, the Sub-Commission took up consideration of draft resolution E/CN.4/Sub.2/1990/L.61, sponsored by Mr. van Boven, Ms. Daes, Mr. Despouv, Mr. Eide, Mr. Joinet, Ms. Palley, Mr. Sachar and Mr. Suescún Monrov. Ms. Bautista, Mr. Maxim and Mr. Treat subsequently joined as sponsors.
2. Mr. Alfonso Martínez proposed amending operative paragraph 2 by the insertion of the word "progress" before "report".
3. The draft resolution, as amended, was adopted without a vote.
4. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/32.



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PART I

XV. ENCOURAGEMENT OF UNIVERSAL ACCEPTANCE OF
HUMAN RIGHTS INSTRUMENTS

1. The Sub-Commission considered item 14 at its 32nd, ... meetings held on 29, ... August 1990.
2. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Note prepared by the Secretary-General containing information relating to communications with the Member States concerning the ratification of, or accession to, the relevant human rights instruments as well as an updated table recording country-by-country developments in that regard (E/CN.4/Sub.2/1990/38).

3. The item was introduced at the 32nd meeting, on 29 August 1990, by the Under-Secretary-General for Human Rights.
4. At the same meeting Mr. Hatano made introductory comments.
5. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (32nd), Mr. Despouy (32nd), Mr. Eide (32nd), Mr. Flinterman (32nd), Mr. Ilkahanaf (32nd) and Ms. Ksentini (32nd).
6. The Sub-Commission also heard a statement by the Observer for one non-governmental organization: the International League for the Rights and Liberation of Peoples (32nd).
7. At the 32nd meeting, Mr. Hatano presented his concluding remarks.

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**/ E/CN.4/Sub.2/1990/L.10 and addenda will contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to the Commission on Human Rights will be contained in documents E/CN.4/Sub.2/1990/L.11 and addenda.

XV. ENCOURAGEMENT OF UNIVERSAL ACCEPTANCE OF
HUMAN RIGHTS INSTRUMENTS

1. At the 35th meeting, on 31 August 1990, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1990/L.22, sponsored by Ms. Bautista, Mr. Chernichenko, Ms. Daes, Mr. Eide, Mr. Hatano, Mr. Heller, Ms. Ksentini, Mr. Treat, Ms. Warzazi and Mr. Yimer. Mr. Alfonso Martínez, Mr. Ilkahanaf, Mr. Joinet, Ms. Palley, Mr. Saboiá, Mr. Sachar, and Mr. Suescún Monroy subsequently joined as sponsors.
2. The draft resolution was adopted without a vote.
3. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/24.



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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-second session

Agenda item 21

DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS
FORTY-SECOND SESSION

Geneva, 3-31 August 1990

Rapporteur: Mr. Gilberto Verqne Saboia

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PART I

XVI. DISCRIMINATION AGAINST INDIGENOUS PEOPLES

1. The Sub-Commission considered item 15 at its 32nd, ... meetings held on 29, ... August 1990.
2. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Second revised draft text of a universal declaration
(E/CN.4/Sub.2/1990/39);

Working paper prepared by Mr. Eide and Ms. Mbonu (E/CN.4/Sub.2/1990/41);
Report of the Working Group on its eighth session (E/CN.4/Sub.2/1990/42);
Written statement submitted by the Four Directions Council, a
non-governmental organization in consultative status (category II)
(E/CN.4/Sub.2/1990/NGO/5);

Written statement submitted by the Inuit Circumpolar Conference and the
International Organization of Indigenous Resource Development,
non-governmental organizations in consultative status (category II) and
the Grand Council of the Crees (of Quebec), a non-governmental
organization in consultative status (Roster) (E/CN.4/Sub.2/1990/NGO/14);
Written statement submitted by Indian Law Resource Center, a
non-governmental organization in consultative status (Roster)
(E/CN.4/Sub.2/1990/NGO/17);

Written statement submitted by the International League for the Rights
and Liberation of Peoples, a non-governmental organization in
consultative status (category II) (E/CN.4/Sub.2/1990/NGO/20);

Written statement submitted by the International Federation Terre des
Hommes, a non-governmental organization in consultative status
(category II) (E/CN.4/Sub.2/1990/NGO/21);

Written statement submitted by the Human Rights Advocates, a
non-governmental organization in consultative status (category II)
(E/CN.4/Sub.2/1990/NGO/22).

3. The item was introduced at the 32nd meeting, on 29 August 1990, by the Under-Secretary-General for Human Rights.
4. At the 32nd meeting, Ms. Daes, Chairman-Rapporteur of the Working Group on Indigenous Population, introduced the report of the Working Group on its eighth session.
5. At the same meeting, Ms. Mbonu introduced the Working Paper prepared by Mr. Eide and Ms. Mbonu.

6. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (32nd), Mr. Eide (32nd), Mr. Guissé (32nd), Mr. Hatano (32nd), Mr. Joinet (32nd) and Ms. Ksentini (32nd).

7. The Sub-Commission heard statements by the Observers for Australia (32nd), Canada (32nd) and Colombia (32nd).

8. Statements were also made by Observers for the following non-governmental organizations: Four Directions Council (32nd), Indian Council of South America (32nd), Indigenous World Association (32nd), International Organization for the Elimination of All Forms of Racial Discrimination (32nd), International Indian Treaty Council (32nd), International Work Group for Indigenous Affairs (32nd), National Aboriginal and Islander Legal Services Secretariat (32nd).

9. At the 32nd meeting, the Chairman-Rapporteur presented her concluding remarks.

10. At the same meeting Ms. Mbonu presented her concluding remarks.





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DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS
FORTY-SECOND SESSION

Geneva, 3-31 August 1990

Rapporteur: Mr. Gilberto Verque Saboia

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*/ Part I of this draft chapter reflects the general debate on matters before the Sub-Commission. Part II reflects the actions taken by the Sub-Commission on the proposals.

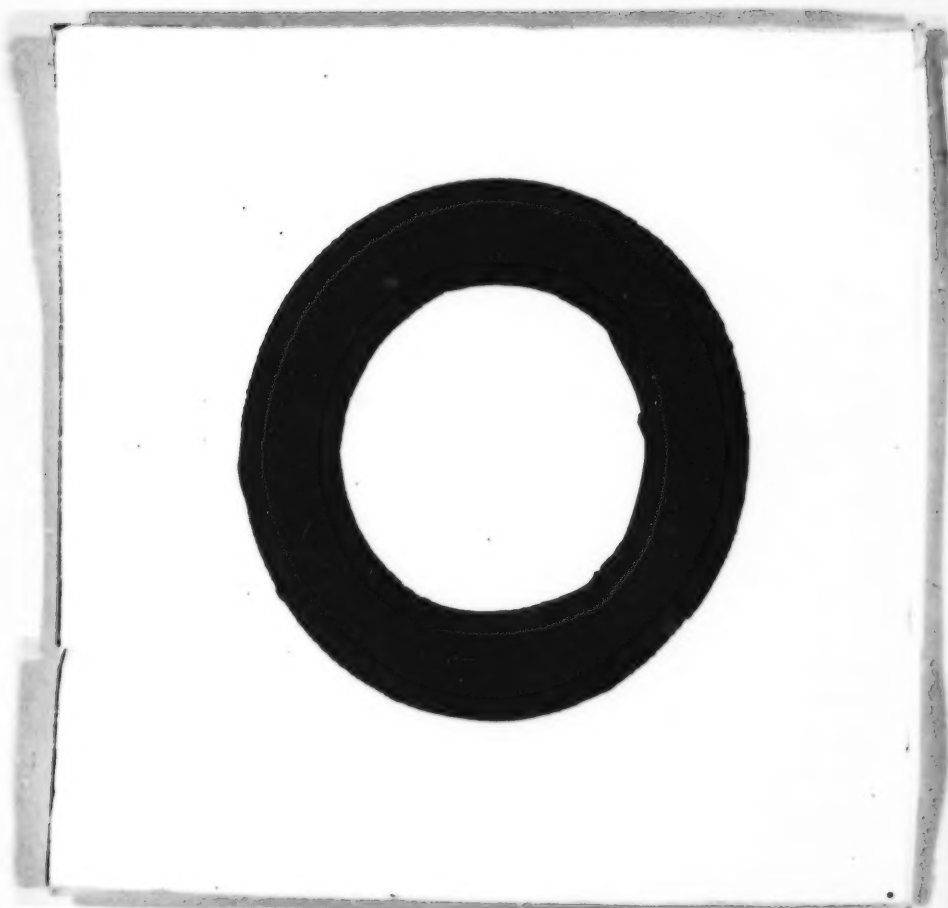
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PART II

XVI. DISCRIMINATION AGAINST INDIGENOUS PEOPLES

1. At the 35th meeting, on 31 August 1990, it took up for consideration draft resolution E/CN.4/Sub.2/1990/L.44 sponsored by Mr. Alfonso Martínez, Ms. Daes, Ms. Mbonu and Ms. Warzazi. Mr. Eide, Ms. Ksentini, Ms. Palley and Mr. Suescún Monrov subsequently joined as sponsors.
2. Mr. Alfonso Martínez proposed the following revisions: In operative paragraph 2 to delete the words "take immediate steps to return these items to their indigenous owners" and insert in their place "start negotiations with indigenous owners with a view to return, at the earliest possible time these items, thereto"; and in operative paragraph 3 to substitute the words "take necessary and effective steps so that" for "enact legislation requiring", as well as to add the words ",at the earliest possible time," after the word "return" and delete "to" in line 3.
3. Ms. Ksentini proposed amending the proposed revision referring to operative paragraph 2 for it to read as "enter into negotiations with indigenous owners with a view to returning their items to them".
4. The draft resolution, as revised and further amended, was adopted without a vote.
5. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1990/25.
6. At the 35th meeting, on 31 August 1990, the Sub-Commission took up consideration of draft resolution E/CN.4/Sub.2/1990/L.47 sponsored by Mr. Alfonso Martínez, Ms. Daes and Mr. Türk. Ms. Bautista, Mr. Eide and Ms. Ksentini subsequently joined as sponsors.
7. The draft resolution was adopted without a vote.
8. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1990/26.
9. At the 35th meeting, on 31 August 1990, the Sub-Commission took up consideration of draft resolution E/CN.4/Sub.2/1990/L.50 sponsored by Mr. Alfonso Martínez, Ms. Daes and Mr. Türk. Ms. Bautista subsequently joined as a sponsor.
10. The draft resolution was adopted without a vote.
11. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1990/27.

12. At the 35th meeting, on 31 August 1990, the Sub-Commission took up consideration of draft resolution E/CN.4/Sub.2/1990/L.51 sponsored by Mr. Alfonso Martínez, Ms. Daes, Mr. Hatano, Ms. Mbonu and Mr. Türk. Ms. Bautista and Mr. Treat subsequently joined as sponsors.
13. The draft resolution was adopted without a vote.
14. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1990/28.
15. At the 35th meeting, on 31 August 1990, the Sub-Commission took up consideration of draft resolution E/CN.4/Sub.2/1990/L.53 sponsored by Mr. Alfonso Martínez, Ms. Daes and Mr. Türk. Ms. Bautista, Ms. Ksentini and Mr. Treat subsequently joined as sponsors.
16. The draft resolution was adopted without a vote.
17. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1990/29.





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DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS
FORTY-SECOND SESSION

Geneva, 3-31 August 1990

Rapporteur: Mr. Gilberto Vergne Saboia

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III. ORGANIZATION OF THE FORTY-SECOND SESSION

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III. ORGANIZATION OF THE FORTY-SECOND SESSION

A. Opening and duration of the session

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities held its forty-second session at the United Nations Office at Geneva from 6 to 31 August 1990.
2. The session was opened by Mr. Fisseha Yimer, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-first session, who made a statement (1st meeting). The Under-Secretary-General for Human Rights also addressed the Sub-Commission (1st Meeting).

B. Attendance

3. The session was attended by members of the Sub-Commission, by Observers of States Members of the United Nations, by Observers for non-member States, by the representatives of intergovernmental organizations, national liberation movements and non-governmental organizations. Details of attendance appear in annex II to the present report.

C. Election of officers

4. The Sub-Commission elected the following officers by acclamation:

<u>Chairman:</u>	Mr. Danilo Türk
<u>Vice-Chairmen:</u>	Ms. Judith Sefi Attah
	Mr. Ribot Hatano
	Mr. William W. Treat
<u>Rapporteur:</u>	Mr. Gilberto Vergne Saboiá

D. Adoption of the agenda

5. At its 1st meeting, on 6 August 1990, the Sub-Commission adopted the provisional agenda (E/CN.4/Sub.2/1990/1). The agenda as adopted is reproduced below:

AGENDA

1. Election of officers.
2. Adoption of the agenda.
3. Review of the work of the Sub-Commission.
4. Review of further developments in fields with which the Sub-Commission has been concerned.
5. Elimination of racial discrimination:
 - (a) Measures to combat racism and racial discrimination and the role of the Sub-Commission;

- (b) Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa.
- 6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).
- 7. The new international economic order and the promotion of human rights.
- 8. The realization of economic, social and cultural rights.
- 9. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII).
- 10. The administration of justice and the human rights of detainees:
 - (a) Question of human rights of persons subjected to any form of detention and imprisonment;
 - (b) Question of human rights and states of emergency;
 - (c) Individualization of prosecution and penalties, and repercussions of violations of human rights on families;
 - (d) The right to a fair trial.
- 11. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers.
- 12. Human rights and disability.
- 13. Human rights and scientific and technological developments.
- 14. Encouragement of universal acceptance of human rights instruments.
- 15. Discrimination against indigenous peoples.
- 16. Contemporary forms of slavery.
- 17. Promotion, protection and restoration of human rights at national, regional and international levels:
 - (a) Prevention of discrimination and protection of children: human rights and youth;
 - (b) Prevention of discrimination and protection of women.
- 18. Protection of minorities.
- 19. The right of everyone to leave any country, including his own, and to return to his country.

20. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-third session of the Sub-Commission.

21. Adoption of the report on the forty-second session.

E. Organization of work

6. At its 1st, 2nd, and 3rd meetings, on 6 and 7 August 1990, the Sub-Commission considered the organization of its work.

7. At its 2nd meeting, on 7 August 1990, it decided to set up the following sessional Working Groups:

(a) Working Group on the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII): the Sub-Commission appointed Mr. T.C. van Boven (Western Europe and others), Mr. S.V. Chernichenko (Eastern Europe), Mr. C. Heller (Latin America), Ms. F.Z. Ksentini (Africa) and Mr. R. Sachar (Asia) as members of the Group;

(b) Working Group on Detention: The Sub-Commission appointed Mr. R. Hatano (Asia), Mr. A.A. Ilkahanaf (Africa), Mr. L. Joinet (Western Europe and others), Mr. E. Suescún Monroy (Latin America) and Mr. D. Türk (Eastern Europe) as members of the Group;

(c) Working Group for the preparation of a draft declaration on the right of everyone to leave any country, including his own, and to return to his country: the Sub-Commission appointed Mr. M. Alfonso Martínez (Latin America), Mr. I. Diaconu (Eastern Europe), Mr. A. Eide (Western Europe and others), Ms. C.E. Mbonu (Africa) and Mr. W.M. Sadi (Asia) as members of the group.

8. At the same time, upon the recommendation of its officers, the Sub-Commission decided to invite the following persons to participate in the meetings at which their reports were to be considered:

(a) In connection with item 4: Mr. Luis Varela Quiros, Special Rapporteur on problems and causes of discrimination against HIV-infected people or people with AIDS;

(b) In connection with item 17: Mr. Dumitru Mazilu, Special Rapporteur on human rights and youth;

(c) In connection with the report on the forty-sixth session of the Commission on Human Rights, Ms. P. Quisumbing, Chairman of the forty-sixth session of the Commission on Human Rights.

9. At its 2nd meeting, on 7 August 1990, bearing in mind the respective priority of the items and availability of the relevant documentation, the Sub-Commission accepted the recommendation of its officers and agreed to consider the items on its agenda in the following order: 3, 5, 18, 6, 10, 11, 9, 7, 8, 12, 13, 14, 4, 17, 15, 16, 19, 20, 21.

10. The Sub-Commission accepted the recommendation of its officers regarding the limitation of the frequency and duration of statements. Members of the Sub-Commission were limited to statements of 10 to 15 minutes. Observers from organizations and States to one statement of 10 minutes, on composite items for a second statement of 6 minutes. It was also agreed that, with regard to statements equivalent to the right of reply, a first statement was limited to 5 minutes and a second to 3 minutes. Special Rapporteurs would be asked not to exceed 20 minutes for the introduction of their reports and 15 minutes for their concluding statements.

11. Within the framework of the organization of work, the Sub-Commission considered the question of how to treat urgent matters at its 2nd and 3rd meetings, on 7 August 1990.

12. During this discussion the question of the situation in Oka, Quebec, Canada was raised. In this connection, at the 3rd, 5th, 9th, 13th, 17th, 30th, 31st and 32nd meetings, on 7, 9, 14, 16, 20, 28 and 29 August 1990, the Chairman of the Sub-Commission, Mr. Danilo Türk, made a statement.

13. The question of the situation in Pakistan was also raised. In this connection, a statement was made by the Observer for Pakistan (3rd meeting).

F. Meetings, resolutions and documentation

14. The Sub-Commission held ... meetings. The views expressed during the discussion on substantive items are summarized in the records of those meetings (E/CN.4/Sub.2/1990/SR.1-SR...).

15. Written communications transmitted by Governments and non-governmental organizations for circulation to the Sub-Commission are mentioned in the chapter on the items to which the communications refer.

16. The Sub-Commission adopted resolutions 1990/1 to 1990/... and took ... decisions. The texts of these resolutions and decisions appear in chapter II.

17. Draft resolutions and decisions for action or consideration by the Commission are set out in chapter I.

18. Statements of the administrative and programme budget implications of certain resolutions appear in annex III to the present report.

19. A list of studies under preparation drawn up in accordance with Commission on Human Rights resolution 1982/23 appears in annex IV.

20. A list of documents submitted to the Sub-Commission for consideration appears in annex V.

G. Other matters

21. At its 1st meeting, on 6 August 1990, the Sub-Commission, in accordance with its decision 1985/109, observed a minute of silence in honour of the victims of the evil and inhuman system of apartheid in South Africa and, according to a decision taken at the same meeting, of the victims of the riots in the occupied Arab territories.

22. At its 2nd meeting, on 7 August 1990, a statement was made by a representative of the Office of Legal Affairs in connection with a request by some members of the Sub-Commission at its forty-first session for a legal opinion on the application of rule 60 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council.

23. At the 17th meeting, held on 20 August 1990, the Sub-Commission decided that a telegram be sent by the Under-Secretary-General for Human Rights to the Secretary of State of the United States of America expressing his sadness at the passing away of Ms. Pearl Bailey.

24. At the 16th meeting, on 17 August 1990, Mr. Joinet made a proposal, pursuant to rule 78 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council, to suspend rule 59 of the rules of procedure for the purpose of protecting the independence of experts for the time necessary to vote on the draft resolutions under agenda item 6 at the forty-second session of the Sub-Commission.

25. At the 18th meeting, on 20 August 1990, statements in connection with Mr. Joinet's proposal were made by Mr. Alfonso Martínez, Mr. van Boven, Mr. Chernichenko, Mr. Joinet, Ms. Palley, Mr. Sachar and Mr. Yimer.

26. At the same meeting, Mr. Despouy, in accordance with rule 50 of the rules of procedure, moved the closure of the debate on the proposal.

Mr. Alfonso Martínez and Ms. Palley made statements opposing the closure.

27. At the request of Mr. Alfonso Martínez, a roll-call vote was taken on Mr. Despouy's motion. The motion was rejected by 6 votes to 14, with 4 abstentions. The voting was as follows:

In favour: Mr. Despouy, Mr. Eide, Mr. Joinet, Mr. Maxim,
Mr. Suescún Monroy and Ms. Warzazi.

Against: Mr. Alfonso Martínez, Ms. Attah, Ms. Bautista, Mr. Guissé,
Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Khalil,
Ms. Ksentini, Ms. Palley, Mr. Saboiá, Mr. Sachar,
Mr. Tian Jin and Mr. Treat.

Abstaining: Mr. van Boven, Mr. Chernichenko, Ms. Daes and Mr. Yimer.

28. For the text as adopted, see Chapter II, section B, decision 1990/105.

29. A statement in explanation of vote after the vote was made by Mr. Ilkahanaf.

30. At the 23rd meeting, on 23 August 1990, statements in connection with Mr. Joinet's proposal were made by Mr. Alfonso Martínez, Mr. Joinet, Ms. Ksentini, Ms. Palley, Mr. Sadi and Mr. Treat.

31. At the same meeting at the request of Mr. Alfonso Martínez, a roll-call vote was taken on Mr. Joinet's motion. The motion was adopted by 17 votes to 3, with 4 abstentions. The voting was as follows:

In favour: Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Ms. Daes,
Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller,
Mr. Joinet, Mr. Maxim, Mr. Merills, Mr. Saboiá, Mr. Sadi,
Mr. Suescún Monroy, Mr. Treat and Ms. Warzazi.

Against: Mr. Alfonso Martínez, Mr. Tian Jin and Mr. Yimer.

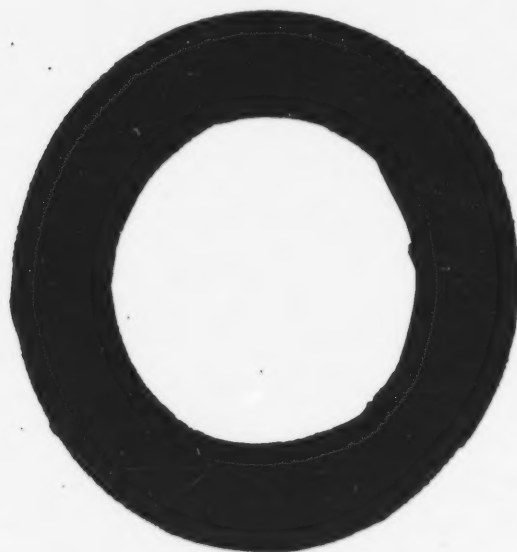
Abstaining: Mr. Ilkahanaf, Mr. Khalil, Ms. Mbonu and Mr. Sachar.

32. For the text as adopted, see chapter II, section B, decision 1990/105.

33. Statements in explanation of vote after the vote were made by Mr. Alfonso Martínez, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Guissé, Mr. Ilkahanaf, Ms. Palley, Mr. Sachar, Mr. Tian Jin, Ms. Warzazi and Mr. Yimer.

34. At its 26th meeting, on 24 August 1990, the Sub-Commission, meeting in closed session, adopted a decision on a meeting of non-governmental organizations on Palestine, which it further decided to make public.

35. For the text as adopted, see chapter II, section B, decision 1990/109.





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PART I

XIV. HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

1. The Sub-Commission considered item 13 at its 32nd ... meetings, held on 29 August 1990.

2. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Reports of the Secretary-General on negotiations with the Organization of African Unity so as to find global solutions to the problem of the transboundary movements of hazardous wastes and their disposal

(E/CN.4/Sub.2/1990/7);

Concise note prepared by Ms. Ksentini setting forth methods by which a study could be made of the problem of the environment and its relation to human rights (E/CN.4/Sub.2/1990/12);

Report of the Secretary-General on the elimination of chemical weapons (E/CN.4/Sub.2/1990/37 and Add.1 and 2);

Written statement submitted by FIAN-Food First International Action Network, a non-governmental organization in consultative status (Roster) (E/CN.4/Sub.2/1990/NGO/9);

Written statement submitted by Friends of the Earth, International Educational Development Inc. and the Sierra Club, non-governmental organizations in consultative status (Roster) and Disabled Peoples International and the International Indian Treaty Council, non-governmental organizations in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/13);

Report of the Secretary-General on respect to the right to life: elimination of chemical weapons (E/CN.4/Sub.2/1989/4).

3. The item was introduced at the 32nd meeting, held on 29 August 1990, by the Under-Secretary-General for Human Rights.

4. At the same meeting Ms. Ksentini introduced her concise note.

5. In the general debate on the item statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (32nd), Ms. Bautista (32nd), Mr. van Boven (32nd), Mr. Despouy (32nd), Mr. Eide (32nd), Mr. Guissé (32nd), Mr. Hatano (32nd), Mr. Joinet (32nd), Mr. Maxim (32nd), Ms. Mbonu (32nd), Ms. Pallev (32nd), Mr. Sachar (32nd), Mr. Suescún Monroy (32nd), Mr. Zhan Daode (32nd).

6. The Sub-Commission also heard statements by the following non-governmental organizations: Friends of the Earth (32nd), International Commission of Health Professionals for Health and Human Rights (32nd), International Commission of Jurists (32nd), National Aboriginal and Islander Legal Service Secretariat (32nd), World Conference on Religion and Peace (32nd), World Union of Progressive Judaism (32nd).

7. At the 32nd meeting, Ms. Ksentini offered her concluding remarks.





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Rapporteur: Mr. Gilberto Verqne Saboia

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PART I

XVII. CONTEMPORARY FORMS OF SLAVERY

1. The Sub-Commission considered item 16 at its 32nd, ... meetings held on 29, ... August 1990.
2. The Sub-Commission had before it the following documents in connection with its consideration of the item:
 - Study prepared by the Secretary-General on the adoption and recruitment of children into armed forces and their participation in hostilities (E/CN.4/Sub.2/1990/43 and Add.1 and 2);
 - Report of the Working Group on Contemporary Forms of Slavery on its fifteenth session (E/CN.4/Sub.2/1990/44);
 - Written statement submitted by the United Nations Children's Fund on the exploitation of child labour (E/CN.4/Sub.2/1990/52).
3. The item was introduced at the 32nd meeting, held on 29 August 1990, by the Under-Secretary-General for Human Rights.
4. At the same meeting, the Chairman/Rapporteur of the Working Group on Contemporary Forms of Slavery introduced the report of the Working Group.
5. In the general debate on the item, statements were made by the following members of the Sub-Commission: Ms. Bautista (32nd), Ms. Daes (32nd), Mr. Eide (32nd) and Mr. Ilkahanaf (32nd).
6. The Sub-Commission heard a statement by the Observer for Colombia (32nd).
7. At the same meeting, the Observer for the following non-governmental organization made a statement: International Organization for the Elimination of All Forms of Racial Discrimination (32nd).
8. At the 32nd meeting, the Chairman/Rapporteur presented her concluding remarks.

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Sub-Commission on Prevention of
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Forty-second session
Agenda item 21

DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS
FORTY-SECOND SESSION

Geneva, 3-31 August 1990

Rapporteur: Mr. Gilberto Verqne Saboiá

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*/ Part I of this draft chapter reflects the general debate on matters before the Sub-Commission. Part II reflects the actions taken by the Sub-Commission on the proposals.

**/ E/CN.4/Sub.2/1990/L.10 and addenda will contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to the Commission on Human Rights will be contained in documents E/CN.4/Sub.2/1990/L.11 and addenda.

XVII. CONTEMPORARY FORMS OF SLAVERY

1. At the 35th meeting, on 31 August 1990, the Sub-Commission took up consideration of draft resolution E/CN.4/Sub.2/1990/L.28, sponsored by Ms. Daes, Mr. Eide, Ms. Ksentini, Mr. Maxim, Mr. Sadi, and Mr. Suescún Monroy. Mr. Guissé, Mr. Heller, Mr. Ilkahanaf, Mr. Khalil, Ms. Mbonu, and Mr. Saboiá subsequently joined as sponsors.
2. The draft resolution was adopted without a vote.
3. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/30.
4. At the 35th meeting, on 31 August 1990, the Sub-Commission took up consideration of draft resolution E/CN.4/Sub.2/1990/L.29, sponsored by Mr. Eide, Ms. Ksentini, Mr. Maxim, Mr. Sadi, and Mr. Suescún Monroy. Mr. Alfonso Martínez, Ms. Bautista, Ms. Daes, Mr. Flinterman, Mr. Guissé, Mr. Heller, Mr. Ilkahanaf, Mr. Khalil, Ms. Mbonu, Ms. Pallev, Mr. Saboiá and Mr. Treat subsequently joined as sponsors.
5. The draft resolution was adopted without a vote.
6. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/31.



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DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF
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FORTY-SECOND SESSION

Geneva, 3-31 August 1990

Rapporteur: Mr. Gilberto Vergne Saboia

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*/ Part I of this draft chapter reflects the general debate on matters before the Sub-Commission. Part II will reflect the actions taken by the Sub-Commission on the proposals.

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PART I

XX. THE RIGHT OF EVERYONE TO LEAVE ANY COUNTRY, INCLUDING
HIS OWN, AND RETURN TO HIS COUNTRY

1. The Sub-Commission considered item 19 at its 32nd, 33rd, ... meetings held on 29, 30, ... August 1990.
 2. The Sub-Commission had before it the following documents in connection with its consideration of the item:
 - Analytical compilation by the Secretary-General on the comments on the draft declaration (E/CN.4/Sub.2/1990/47);
 - Report of the sessional open-ended Working Group (E/CN.4/Sub.2/1990/48);
 - Written statement submitted by the International League for Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/24).
 3. The item was introduced at the 32nd meeting, on 29 August 1990, by the Under-Secretary-General for Human Rights.
 4. At the same meeting, Mr. Alfonso Martínez, Chairman/Rapporteur of the sessional open-ended Working Group introduced the report of the Working Group.
 5. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (33rd), Mr. Despouy (33rd), Mr. Eide (33rd), Mr. Guissé (33rd), Ms. Ksentini (33rd), Mr. Sachar (33rd), Mr. Suescún Monroy (33rd).
 6. The Sub-Commission also heard statements by the following non-governmental organizations: International Commission of Health Professionals for Health and Human Rights (33rd), International Fellowship of Reconciliation (33rd), International League for Human Rights (33rd), International Organization for the Elimination of All Forms of Racial Discrimination (33rd), Latin American Federation of Associations of Relatives of Disappeared Detainees (33rd), World Union for Progressive Judaism (33rd).
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DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SECOND SESSION

Geneva, 3-31 August 1990

Rapporteur: Mr. Gilberto Verane Saboia

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XX. RIGHT OF EVERYONE TO LEAVE ANY COUNTRY, INCLUDING
HIS OWN, AND TO RETURN TO HIS COUNTRY

1. At the 35th meeting, on 31 August 1990, the Sub-Commission took up consideration of draft decision E/CN.4/Sub.2/1990/L.43, sponsored by Mr. Alfonso Martínez, Mr. Eide, Mr. Flinterman, Mr. Maxim and Ms. Mbonu. Ms. Daes, Ms. Ksentini and Mr. Treat subsequently joined as sponsors.
 2. Ms. Ksentini proposed amending paragraph 3 by the insertion of the words ", if appropriate," after "decided".
 3. The draft decision, as amended, was adopted without a vote.
 4. For the text of the decision, as adopted, see chapter II, section B, decision 1990/123.
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DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS
FORTY-SECOND SESSION

Geneva, 3-31 August 1990

Rapporteur: Mr. Gilberto Vergne Saboia

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*/ E/CN.4/Sub.2/1990/L.10 and addenda will contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to the Commission on Human Rights will be contained in documents E/CN.4/Sub.2/1990/L.11 and addenda.

XXI. CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION AND OF
THE DRAFT PROVISIONAL AGENDA FOR THE FORTY-THIRD SESSION OF
THE SUB-COMMISSION

1. The Sub-Commission considered agenda item 20 at its 36th meeting, held on 31 August 1990.
2. In connection with this item

3. The Sub-Commission recalled its resolutions 1985/34 and 1989/1, in which the Sub-Commission decided that the following items would be considered on a biennial basis starting at its thirty-ninth and fortieth sessions respectively:

Thirty-ninth session:

- (a) Elimination of all forms of intolerance and of discrimination based on religion or belief;
- (b) International peace and security as an essential condition for the enjoyment of human rights, above all the right to life;

Fortieth session:

- (a) Human Rights and disability;
- (b) Human Rights and scientific and technological developments;
- (c) Encouragement of universal acceptance of human rights instruments.

4. At its meeting, on 1990, the draft provisional agenda

5. The text of the draft provisional agenda for the forty-third session of the Sub-Commission reads as follows:

1. Election of officers
2. Adoption of the agenda
3. Review of the work of the Sub-Commission

Legislative authority: Sub-Commission resolutions 5 (XIV) and 1990/4 and decisions 2 (XXXIV), 1990/106, 1990/115

Documentation:

Draft resolution E/CN.4/Sub.2/1990/L.7 and the relevant amendments thereto contained in E/CN.4/Sub.2/1990/L.15, E/CN.4/Sub.2/1990/L.40

4. Review of further developments in fields with
which the Sub-Commission has been concerned

Legislative authority: Commission decision 1990/109,
Sub-Commission resolutions 1989/16, 1990/6, 1990/7 and
Sub-Commission decisions 1990/116, 1990/117, 1990/118

Documentation:

Report by Ms. Warzazi	(1989/16)
Progress report by Mr. van Boven	(1990/6)
Preliminary report by Ms. Ksentini	(1990/7)
Updated report by Mr. Joinet and Mr. Türk	(1990/117)
Progress report by Mr. Varela Quiros	(1990/118)

5. Elimination of racial discrimination:

(a) Measures to combat racism and racial discrimination and the
role of the Sub-Commission

Legislative authority: Sub-Commission resolutions 1990/1
and 1990/2

Documentation:

Secretary-General's outline of possible activities for
increasing the effectiveness of United Nations action to
combat racism and racial discrimination (Sub-Commission
resolution 1990/1, para. 7)

Secretary-General's overview of current trends of racism,
discrimination, intolerance and xenophobia (Sub-Commission
resolution 1990/2, para. 4)

(b) Adverse consequences for the enjoyment of human rights of
political, military, economic and other forms of assistance
given to the racist and colonialist régime of South Africa

Legislative authority: Sub-Commission resolution 1990/3

Documentation:

Revised report by Mr. Khalifa (Sub-Commission resolution 1990/3)

6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)
Legislative authority: Sub-Commission resolutions 1990/9, 1990/12 and 1990/14
Documentation:
Secretary-General's updated list (1990/12)
7. The new international economic order and the promotion of human rights
Legislative authority: Sub-Commission resolution 1989/1 and decision 1990/119
Documentation:
Method and plan of work by Mr. Suescún Monroy (1990/119)
8. The realization of economic, social and cultural rights
Legislative authority: Sub-Commission resolution 1990/16
Documentation:
Second progress report by Mr. Türk (1990/16)
9. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)
Confidential report of the Working Group and supporting papers
Legislative authority: Economic and Social Council resolution 1503 (XLVIII) and Sub-Commission resolutions 1 (XXIV) and 2 (XXIV)
10. The administration of justice and the human rights of detainees:
 - (a) Question of human rights of persons subjected to any form of detention and imprisonment
Legislative authority: Sub-Commission resolutions 1990/20, 1990/21 and 1990/22
Documentation:
Final report by Ms. Bautista (1990/20)
Report by Ms. Bautista (1990/21)
Information from the Secretary-General (1990/22)
 - (b) Question of human rights and states of emergency
Legislative authority: Sub-Commission resolution 1990/19
Documentation:
Annual report and updated list by Mr. Despouy (1990/19)

- (c) Individualization of prosecution and penalties, and repercussions of violations of human rights on families
Legislative authority: Commission on Human Rights
resolution 26 (XXXVI)
- (d) The right to a fair trial
Legislative authority: Sub-Commission resolution 1990/18
Documentation:
Study by Mr. Chernichenko and Mr. Treat (1990/18)
11. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers
Legislative authority: Sub-Commission resolution 1990/23
Documentation:
Report by Mr. Joinet (1990/23)
12. Human Rights and Disability
Legislative authority: Sub-Commission decision 1990/112
Documentation:
Final report of Mr. Despouy
13. Elimination of all forms of intolerance and of discrimination based on religion and belief
Legislative authority: Sub-Commission resolution 1985/34
14. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life
Legislative authority: Sub-Commission resolution 1989/47
Working paper of Mr. Bhandare (1989/47)
15. Discrimination against indigenous peoples
Legislative authority: Economic and Social Council
resolutions 1982/34 and 1989/77 and Sub-Commission
resolutions 1989/58, 1990/25, 1990/26, 1990/28 and 1990/29
Documentation:
Working paper by Ms. Daes (1990/25)
Brief note by the Secretary-General (1990/26)
Analytical commentary of the draft
declaration by Ms. Daes (1990/26)
Report by the Secretary-General (1990/27)
Preliminary report by the Secretary-General (1990/28)

Report by the Secretary-General (1990/29)
Second working paper by Mr. Eide and Ms. Mbonu
(1990/29)

16. Contemporary forms of slavery

Legislative authority: Economic and Social Council
decisions 16 and 17 (LVI) and Sub-Commission
resolutions 1989/41, 1990/30 and 1990/31

Documentation:

17. Promotion, protection and restoration of human rights at national,
regional and international levels

(a) Prevention of discrimination and protection of children:
human rights and youth

Legislative authority: Sub-Commission resolution 1990/32

Documentation:

Progress report by Mr. Mazilu (1990/32)

(b) Prevention of discrimination and protection of women

Legislative authority:

Documentation:

18. Protection of minorities

Legislative authority: Sub-Commission resolutions 1989/44
and 1990/5

Documentation:

Preliminary report by the Special Rapporteur (Sub-Commission
resolution 1990/5, para. 6)

19. The right of everyone to leave any country, including his own, and
to return to his country

Legislative authority: Commission on Human Rights
resolution 1989/39 and Sub-Commission decision 1990/123

Documentation:

Revised version of draft declaration by Mr. Sadi (1990/123)

20. Consideration of the future work of the Sub-Commission and of the
draft provisional agenda for the forty-third session of the
Sub-Commission

21. Adoption of the report on the forty-second session
